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RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.J.

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DEC 16 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES OF AMERICA,

Plaintiff,  
v.

JUAN PABLO ARRIZON,

Defendant.

No. CR 08-00898 JW

STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME FROM DECEMBER 11, 2008 THROUGH JANUARY 5, 2009 FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(8)(A), (B))

On December 11, 2008, the parties appeared for the defendant's arraignment before the Court. At that time, based upon the request of counsel for defendant and with the agreement of the government, the court set the matter for a status/trial setting hearing; the parties agreed on January 5, 2009, at 1:30 p.m. As the Court was advised, counsel for the defendant continues to investigate the case and review discovery. There have been plea discussions between the parties as well. All parties stipulated to an exclusion of time through January 5, 2009, under the Speedy Trial Act to allow counsel for the defendant reasonable time for effective preparation and for the defendant to consider the government's plea offer.

The government hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial.

1 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny  
2 counsel for the defendant the reasonable time necessary for effective preparation, taking into  
3 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

4  
5 DATED: December 11, 2008

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United States Attorney

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8 /S/  
GRANT P. FONDO  
Assistant United States Attorney

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10 /S/  
MANUEL ARAUJO  
Assistant Federal Public Defender  
Counsel for Defendant

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**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between December 11, 2008 and January 5, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 12 / 16 / 08

  
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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE